

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELISA W. et al.,

Plaintiffs,

-v-

No. 15 CV 5273-LTS-HBP

THE CITY OF NEW YORK, et al.,

Defendant.

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ORDER

On February 28, 2018, Magistrate Judge Henry B. Pitman issued a Report and Recommendation (docket entry no. 416, the “Report”) recommending that Defendants’ Motion to Dismiss Next Friends of Additional Plaintiff Children, (docket entry no. 363) be granted in part and denied in part, and that Plaintiffs’ Motion to Substitute Yusuf El Ashmawy As Next Friend of Brittney W. (docket entry no. 357) be granted. No objections to the Report have been filed by either party.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2016). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted).

Having reviewed Magistrate Judge Pitman’s thorough and well-reasoned Report, to which no objection has been made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, Defendants’ Motion to Dismiss next friends Amy

Mulzer, Rachel Friedman, Dawn Cardi, Michael B. Mushlin, Reverend Doctor Gwendolyn Hadley-Hall, Bishop Lillian Robinson-Wiltshire, Liza Camellerie, Elizabeth Hendrix, and Samuel Perry is denied. Defendants' Motion to Dismiss Elizabeth Barricelli as the next friend of Elisa W is granted. Plaintiffs' Motion to Substitute Yusuf El Ashmawy As Next Friend of Brittney W. is granted. The Clerk of Court is requested to update the docket accordingly. This Order resolves docket entry nos. 357 and 363. This case remains referred to Judge Pitman for general pretrial management.

SO ORDERED.

Dated: New York, New York
March 20, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge